

REMARKS

This amendment is responsive to the Official Action dated September 7, 2006. Applicants would like to thank the Examiner for a timely and thorough review of the above-referenced patent application. Claims 15-30 were previously pending in the application. Claims 15-30 have been rejected. The Official Action rejected Claims 15-17, 21-25, and 29-30 as being anticipated by U.S. Pat. No. 5,797,515 to Liff et al. ("the Liff reference"). The Official Action rejected remaining Claims 18-20 and 26-28 under 35 U.S.C. 103(a) as being unpatentable over the Liff reference in view of U.S. Pat. No. 6,112,502 to Frederick et al. ("the Frederick reference"). Applicants respectfully request reconsideration of Claims 15-30 in view of the Remarks set forth herein.

Claim Rejections – 35 USC § 102

The Official Action asserts that Claims 15-17, 21-25, and 29-30 are anticipated by the Liff reference. Specifically, the Official Action asserts that the Liff reference teaches each of the claim recitations of the cited claims. Applicants respectfully disagree. The current claim recitations of independent Claims 15 and 23 are reproduced below for reference.

15. A method comprising:
inputting information into a handheld device from an indicium on an open shelving system, said information identifying an item stocked on said open shelving system;
inputting a current quantity of said item to the handheld device;
transferring the information and current quantity from the handheld device;
automatically comparing, in a computing device, the current quantity to a par level for said item; and
generating a restocking package in response to said automatic comparing when said current quantity is less than said par level.

23. A method of restocking an open shelving system of the type having a plurality of bins, each of said bins having a unique indicium associated therewith, said method comprising:

inputting information into a handheld device from said indicium associated with each bin identifying an item stored therein;
inputting a current quantity of each of the items to the handheld device corresponding to the input information;
transferring the information and the current quantity of each of the items from the handheld device;
automatically comparing, in a computing device, the current quantity of each of the items to a par level for each item;
and
generating a restocking package for each item, in response to said automatic comparing, when the current quantity of such item is less than its respective par level.

With regard to the claim recitation of independent Claims 15 and 23 relating to inputting information into a handheld device from an indicium on an open shelving system, the information identifying an item stocked on said open shelving system, the Official Action asserts that the Liff reference teaches “inputting information into a handheld device (40, 41 in fig. 1; col. 6, lines 45+) from an indicium (98, 76 in fig. 1; col. 6, lines 48+) on an open shelving system, the information identifying an item stocked on the open shelving system (col. 6, lines 45-67).” Applicants respectfully disagree that the cited portions of the Liff reference teach this claim recitation.

The portions of the Liff reference cited in the Official Action state that “[b]efore a column 34 is loaded with packages 32, the column bar code label 76 is compared with the bar code label 98 of each package 32 inserted into the column 34. Each time a package 74 is dispensed from the cabinet 20, the package bar code label 98 is scanned by the bar code reader 40 to verify that the correct pharmaceutical has been dispensed.” This portion of the Liff reference further states that “during loading, the bottles are loaded into each column up to a certain height, the highest bottle in the column is positioned adjacent a bar coded column label 75 running along each column. Thus, the number of bottles in each column can be recorded at loading and tracked during use.”

Applicants respectfully submit that the Liff reference does not teach inputting information into a handheld device from an indicium on an open shelving system, the

information identifying an item stocked on the open shelving system. Rather, the Liff reference merely teaches comparing a package bar code label with a column bar code label before loading the package into the column, and recording only the *number* of bottles in each column. This comparison may take place visually as the Liff reference does not explicitly teach or suggest scanning either the package bar code label or the column bar code label to perform the comparison. Rather, the Liff reference only teaches scanning the package bar code label as a package is dispensed.

With regard to the claim recitation of independent Claims 15 and 23 relating to inputting the current quantity of the item to the handheld device, the Official Action asserts that the Liff reference teaches:

inputting a current quantity of the item to the handheld device (i.e., the number of bottles in each column can be recorded and tracked during use, so that if a proper dispensing has occurred through the barcode reader 40, 41, then the transaction is recorded to the database 407, so that the inventory of cabinet 20 is automatically monitored and updated (col. 6, lines 45-67; col. 7, lines 14-23; col. 18, lines 20-41).”

Applicants respectfully disagree that the cited portions of the Liff reference teach this claim recitation.

The Official Action fails to note that the Liff reference only teaches recording the number of packages *at the time the packages are loaded*. The Liff reference does not teach recording the number of packages at any other time, such as before automatically comparing, in a computing device, a current quantity to a par level and generating a restock package in response to the automatically comparing when the current quantity is less than the par level, as indicated in the recitations of independent Claims 15 and 23. In fact, throughout the entire text of the Liff reference, the only mention of *recording* as it relates to the number of bottles or packages, is at the time of loading. See col. 6, lines 66-67, where the Liff reference states “the number of bottles in each column can be recorded at loading,” and Claims 9 and 24, where the Liff reference states “recording data in a memory regarding the loaded packages.” It is noted that the Liff reference mentions that the number of bottles may be tracked during use, but the Liff reference does not teach or suggest inputting the current quantity of items to a handheld device.

Moreover, with regard to the claim recitation relating to automatically comparing, in a computing device, the current quantity to a par level for the item, the Official Action cites a portion of the Liff reference that states “if a proper dispensing has occurred, the transaction is recorded to the data base 407, and the computer determines wither inventory is at or below a predetermined restock value 408 ... (col. 18, lines 20-41).” Applicants respectfully disagree that the cited portions of the Liff reference teach this claim recitation. As noted above with regard to the other claim recitations of independent Claims 15 and 23, the Official Action relates inputting a current quantity of an item to a handheld device, as recited in independent Claims 15 and 23, with recording the number of bottles at loading, as described in the Liff reference. However, with respect to this claim recitation, the portion of the Liff reference cited in the Official Action relates to recording transactions relating to packages dispensed and determining whether inventory is at or below a predetermined restock value. Thus, the information used to determine whether the inventory is at or below a predetermined restock value as described in the Liff reference, is not a current quantity of an item that has been input to a handheld device, but is rather inventory information that is based on packages that have been dispensed.

Claim Rejections – 35 USC § 103

The Official Action also asserts that Claims 18-20 and 26-28 are unpatentable over the Liff reference in view of the Frederick reference. Claims 18-20 depend from independent Claim 15, and Claims 26-28 depend from independent Claim 23. As such, the Liff reference fails to teach or suggest independent Claims 15 and 23 and, by dependency, Claims 18-20 and 26-28 for the reasons described above. Moreover, the Frederick reference fails to cure the deficiencies of the Liff reference and is not cited as such. Therefore, Applicants respectfully submit that based on the remarks above, neither the Liff reference nor the Frederick reference, alone or in combination, teach or suggest the claim recitations of Claims 18-20 and 26-28.

In view of the the remarks presented above, Applicants respectfully submit that independent Claims 15 and 23, as well as the claims that depend therefrom, are patentable over the cited references, alone or in combination. As such, all of the present claims of the present application are in condition for immediate allowance.

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CONCLUSION

In view of the remarks presented above, it is respectfully submitted that the rejection of Claims 15-30 should be withdrawn. As such, all of the present claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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